

**Privileged and Confidential**

**Amendment 1 to Resolution 259**

Proposed by: Staff

Introduced by: Mr. Bartlett, Mr. Callahan, Mr. Pack, Ms. Price, Ms. Williams

Date: April 24, 2018

Proposed Amendments: The amendments proposed to the Bill are as follows:

**KEY**

**Boldface**.....Heading or defined term

Underlining.....Added to Resolution by amendment

~~Strikethrough~~.....Deleted from Resolution by amendment

\* \* \* .....Existing Bill unaffected

**A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASIFY AND REMAP CERTAIN PROPERTIES LOCATED ON HOWELL POINT ROAD IN THE TOWN OF TRAPPE, MARYLAND, DESCRIBED AS TAX MAP 301, PARCELS 1780, 1897, 1898, 1900, 1901, 1902, 1903, 1904, 1905, 1905A, 1905B, AND 1906, FROM THE CURRENT CLASSIFICATION OF “S-3” TO “S-1”, IMMEDIATE PRIORITY STATUS, AND TO ADD A CAPITAL PROJECT FOR THE DEVELOPMENT OF A NEW WELL AND WATER TREATMENT SYSTEM TO SERVE TRAPPE**

**WHEREAS**, certain properties located on Howell Point Road in the Town of Trappe, described as Tax Map 301, Parcels 1780, 1897, 1898, 1900, 1901, 1902, 1903, 1904, 1905A, 1905B, and 1906 (the “**Properties**”), are designated “S-3” in the Talbot County Comprehensive Water and Sewer Plan (“CWSP”); and,

**WHEREAS**, the Town of Trappe (the “**Town**”) has requested that the County amend the CWSP to reclassify and remap the Properties to “S-1”, immediate priority status. According to the Town, several of the properties are experiencing failing septic systems and there is adequate capacity at the Trappe Wastewater Treatment Plant to serve the new connections; and,



WHEREAS, the Town has also requested that the County amend the CWSP to add a Fiscal Year 2020 capital project for the development of a new well and water treatment system expected to cost \$1,150,000. The Town is seeking grant and low-interest loan funding from the Maryland Department of the Environment to pay for the project; and,

WHEREAS, in accordance with the requirements of Environment Article § 9-506(a)(1), Md. Code Ann., the proposed amendment has been submitted to the Talbot County Planning Commission and the Talbot County Public Works Advisory Board for review for consistency with planning programs for the area. Before the County Council may adopt the proposed amendment the Talbot County Planning Commission must first certify that the amendment is consistent with the Talbot County Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND,** as follows:

**SECTION ONE:** The above recitals are hereby incorporated as if fully set forth herein.

**SECTION TWO:** *Figure 23 ("Talbot County, Town of Trappe Sewer Service Area")* of the CWSP is amended to reclassify and remap the Properties from the current classification of "S-3" to "S-1", immediate priority status, as shown on the worksheet prepared by the Talbot County Department of Public Works, dated March 20, 2018, attached hereto as Exhibit "A" and incorporated by reference herein.

**SECTION THREE:** Sewer service to the Properties shall be provided by the Town of Trappe from the Trappe Wastewater Treatment Plant.

**SECTION FOUR:** *Table 10 (Trappe Water System Capital Improvement Projects)* of the CWSP is amended to add a new capital project titled "Well and Water Treatment System Capital Project" for Fiscal Year 2020.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon the date of its passage.

\* \* \*

Purpose: The purpose of this amendment is to add a capital project for the development of a new well and water treatment system to serve the Town of Trappe.

Amendment substantive: An amended ordinance cannot be deemed to be a new or different one unless it enlarges or narrows the scope of the original ordinance to such an extent that the ordinance as enacted can be said to be misleading in a substantial manner in its final form. Amendments that do not defeat the original purpose of the ordinance are not so substantial as to become a new ordinance. *Ajamian v. Montgomery County*, 99 Md. App. 665, 684-685 (1994). This amendment is substantive under the applicable standard.